Remarks

The rejections are improper and should be removed because they rely upon various allegations of what the cited reference "can be interpreted" to be, as well as multiple other allegations of teachings for which no reference has been cited. Moreover, the Office Action's interpretations of what cited portions of the '218 reference disclose are clearly erroneous, and has failed to address all of the Applicant's traversals of record, in contrast to M.P.E.P.707.07(f). These and other matters are addressed in greater detail in the following discussion.

The Final Office Action dated September 5, 2008 noted that claims 1-12 stand rejected under 35 U.S.C. § 102(b) over Pollard *et al.* (U.S. Patent No. 7,082,218). Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

The Section 102 rejections are improper because the cited portions of the '218 reference simply do not provide correspondence to or even contemplate the claimed gain factor value application to a separated color channel signal, or doing so based upon a color channel's individual contribution to luminescence. For example, limitations in claim 12 are directed to applying, to a color channel signal, a gain factor having a value that is set based upon the contribution of the entire color channel signal to the total luminescence of a display device. The Office Action's attempt to show correspondence to these limitations by alleging that the '218 reference teaches "the gain value having a value that is inversely proportional to the contribution of the color channel signal to the total luminescence" simply because "the image is adjusted differently" is untenable. Adjusting an image differently clearly does not provide correspondence to the specific limitations of applying "for each color channel signal, a gain factor to one of said components, the gain factor having a value that is inversely proportional to the contribution of the color channel signal to the total luminance of the color matrix display device." That is, while the color correction factors in the '218 reference may affect the resulting luminescence of a display, they are clearly not based upon the respective contribution of the asserted channel to luminescence. The cited application of a gain factor thus fails to provide correspondence to limitations in claim 12 or to related limitations in each of the independent claims.

The Office Action's reliance upon asserted "color correction factors G" as indicated at page 3 is also improper. The Office Action provides no citation in the '218 reference as support for these asserted color correction factors. As Applicant noted in the previous response of record, it appears that the "color correction factors G" cited in the Office Action (column 11:5-40) refer to the color green (G) for a red, green and blue (RGB) approach. Applicant has further reviewed the '218 reference and cannot ascertain mention of any gain factor. Applicant further believes that the Office Action's failure to address Applicant's traversals of record, including those relating to the above failure to cite any color correction factor, is in contrast to M.P.E.P. §707.07(f) and relevant law.

The Office Action's Response to Arguments section at page 9 also includes erroneous and unsupported assertions that fail to overcome the deficiencies in the rejections. For instance, the Office Action's interpretation of a "gain factor" in the '218 reference is contradictory and clearly erroneous. Line 8 of page 9 in the Office Action indicates that "the gain factor is the correction factor," yet line 12 on the very same page then indicates that "the gain in quality of the image is the gain factor." Applicant thus cannot ascertain exactly what the Office Action is asserting as the gain factor application, and submits that these assertions are clearly improper under Section 102.

Applicant also submits that the Office Action's suggestion that a resulting gain in quality in an image "is the gain factor" as claimed is confusing and inapplicable to the claimed invention. That is, the Office Action's discussion of a resulting gain in image quality appears unrelated to limitations directed to actually applying a gain factor value to a color channel signal. Moreover, there is nothing in the Office Action that suggests that the '218 reference teaches that its color correction involves using a gain factor that is based upon any resulting luminescence. Generally, these related assertions about a resulting increase in image quality are unsupported, confusing and completely out of context.

It further appears that the Office Action's suggestion that a "gain in quality of an image is the gain factor which is inversely related to the image noise" appears to directly contradict the teachings in the '218 reference. For instance, as the '218 reference's color correction increases, it would appear that such an increase is directly proportional to the luminescence of the image, rather than inversely proportional as asserted in the Office

Action. As the Office Action has not cited any supporting portion of the '218 reference (or any reference whatsoever), Applicant is unsure of the Examiner's rationale behind these assertions. Nonetheless, this interpretation of the '218 reference's correction factors appears to be contrary to its disclosure.

In addition to the above, the Office Action continues to rely upon assertions of what "can be interpreted," regarding the claimed color channel signal separation, without citing any support for the allegations of what the '218 references might teach under a certain interpretation. Effectively, these assertions appear to be alleging that the unsupported teachings are inherent. Applicant notes that, to establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter *is necessarily present in the thing described in the reference*, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991) (emphasis added). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Id.* at 1269 (quoting *In re Oelrich*, 666 F.2d 578, 581 (C.C.P.A. 1981). In this instance, the Office Action has not made clear that any such interpretation is necessary. Moreover, Applicant believes that the asserted interpretation of high and low frequencies of an RGB signal corresponds to the claimed separation of color channels is improper for reasons including those discussed above, as related to the relatively monochromatic nature of the '218 reference's high frequency channel and the full-color inclusion in the low frequency channel, among other things.

Applicant has made a minor amendment to claim 1 to change the term "colour" to "color" in order to correspond to American English. Applicant submits that this amendment does not change the scope of the claim and is appropriate after a final rejection.

In view of the above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (408) 474-9068.

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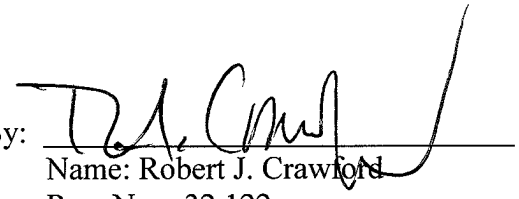
By: 
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